

### **REMARKS**

Claims 1-18 are pending in this application. Claims 1 and 2 are independent claims.

By this amendment, claim 1 is amended for clarity. Support for the amendment to claim 1 can at least be found in the present specification on page 10, lines 7-16 and in Fig. 16.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

### **Allowable Subject Matter**

Applicants note with appreciation the indication on page 3 of the Office Action that claims 2-18 are allowed.

### **The Claims Satisfy The Requirements Of 35 U.S.C. §112, 1<sup>st</sup> Paragraph**

The Office Action rejects claim 1 under 35 U.S.C. §112, 1<sup>st</sup> paragraph. This rejection is respectfully traversed.

Applicants respectfully submit that the amendment to claim 1 obviates the rejection of claim 1 under 35 U.S.C. §112, 1<sup>st</sup> paragraph.

In particular, the amended claim 1 now recites an additional limitation. As such, the rejection under 112, 1<sup>st</sup> paragraph as being subject to an undue breadth rejection is moot.

Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §112, 1<sup>st</sup> paragraph is respectfully solicited.

### **The Claims Define Patentable Subject Matter**

The Office Action makes the following rejections:

(1) claim 1 is rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's admitted prior art (present specification, page 1, line 10 to page 12, line 15) (hereafter AAPA).

This rejection is respectfully traversed.

Applicants respectfully submit that Applicant's Admitted Prior Art (hereinafter "AAPA") fails to teach or suggest each and every feature as set forth in the claimed invention.

For example, applicants submit that AAPA fails to teach or suggest a middle-high-range luminance component compensation section for compensating a middle-high-range luminance component, wherein the middle-high-range luminance component is combined with a middle-range luminance component and a high-range luminance component, as recited in amended Claim 1.

The Examiner alleges that the combination of the frequency characteristic of a middle luminance component compensating filter (graph d) and a frequency characteristic of a high-range luminance component compensating filter (graph c), as discussed in applicants' Description of the Related Art, reads on Claim 1. While Applicants respectfully disagree with the Examiner's interpretation of the above, Applicants, in the interest of expediting prosecution, have amended Claim 1 so as to further clarify the invention.

For example, Claim 1 now recites an image processing apparatus that includes a middle-high-range luminance component compensation section for compensating for a middle-high-range luminance component representing an intermediate range between a middle range and a high range of low-frequency luminance signal, wherein the middle-high-range luminance component is combined with a middle-range luminance component and a high-range luminance component.

Applicants respectfully submit that even if AAPA suggested a middle-range luminance component compensation filter and a high-range luminance component compensating filter, AAPA still fails to teach or suggest the combining of a middle-high-range luminance component, a middle-range luminance component, and a high-range luminance component, as recited in amended Claim 1.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference.” *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 ( Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, AAPA, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claim 1 allowable over AAPA for at least the reasons noted above.

Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(a) is respectfully solicited.

### **Conclusion**


In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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